IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5500 OF 2005

Mr. Abhay Prabhakar Deshpande ..Petitioner.

Versus

The State of Maharashtra & Ors. ..Respondents.

Mr. A.S.Desai for the Petitioner.
Mr. N.V.Bandiwadekar for the Respondent No.3.

CORAM : S. A. BOBDE, J.
DATED : 22nd AUGUST,2005

P.C.:

1. Rule, returnable forthwith.

Mr. Bandiwadekar, the learned counsel waives service of rule for the respondent No.3.

Heard by consent.

2. The issue in this petition pertains to the removal of the petitioner under section 78 of the Maharashtra Co-operative Societies Act on the ground that he is a defaulter of the respondent No.3 Bank and has incurred disqualification under the Act. In particular the petitioner appears to have been removed on the ground that he was a partner in the firm which had borrowed money from the responded No.3 Bank in

which he was a member of the Managing Committee. The petitioner has been removed on the ground that the borrowers, which include himself, have become defaulters.

3. Mr. Desai, the learned counsel for the petitioner contended that there is no effective consultation with the federal society before passing the impugned order. Over and above there was a contract entered into with the Bank that it would be entitled to adjust the fixed deposit of the petitioner lying with the Bank. These contentions are denied by Mr. Bandiwadikar in fact and as well as in law.

4. Having regard to the circumstances, I consider it appropriate to direct the appellate authority before whom an appeal under section 152 of the Maharashtra Co-operative Socities Act is pending to decide the appeal within three months from the date the parties appear before it. Parties are directed to appear before the appellate court on 1st September, 2005.

5. Petition is disposed of in the above terms.

DT.22.08.05 (S.A.BOBDE,J)

.....